

## Part III - Administrative, Procedural, and Miscellaneous

### 2009 Marginal Production Rates

#### Notice 2009-74

This notice announces the applicable percentage under § 613A of the Internal Revenue Code to be used in determining percentage depletion for marginal properties for the 2009 calendar year.

Section 613A(c)(6)(C) defines the term "applicable percentage" for purposes of determining percentage depletion for oil and gas produced from marginal properties. The applicable percentage is the percentage (not greater than 25 percent) equal to the sum of 15 percent, plus one percentage point for each whole dollar by which \$20 exceeds the reference price (determined under § 45K(d)(2)(C)) for crude oil for the calendar year preceding the calendar year in which the taxable year begins. The reference price determined under § 45K(d)(2)(C) for the 2008 calendar year is \$94.03.

Table 1 contains the applicable percentages for marginal production for taxable years beginning in calendar years 1991 through 2009.

Notice 2009-74 Table 1
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## APPLICABLE PERCENTAGE FOR MARGINAL PRODUCTION

<u>Calendar Year</u>	<u>Applicable Percentage</u>
1991	15 percent
1992	18 percent
1993	19 percent
1994	20 percent
1995	21 percent
1996	20 percent
1997	16 percent
1998	17 percent
1999	24 percent
2000	19 percent
2001	15 percent
2002	15 percent
2003	15 percent
2004	15 percent
2005	15 percent
2006	15 percent
2007	15 percent
2008	15 percent
2009	15 percent

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